

Commission for Mental Health Developmental Disabilities and Substance Abuse Services

Commission Meeting Minutes

August 12, 2002

Holiday Inn North, Raleigh, NC

Commission Members Present:

Pender McElroy (Chair), Martha Macon, Dorothy Crawford, Pearl L. Finch, Paul Gulley, Albert Fisher, Jeanne Fenner, Fredrica Stell, Donald Stedman, George Jones, Joe Coulter, Bernard Sullivan, Anna Scheyett, Ellen Holliman, Marvin Swartz, Emily Moore, Judy Lewis, Martha Martinat, Lois Batton, Patricia Chamings, Mansfield Elmore and Erin Drinnin (intern)

Commission Members Absent:

Ann Suggs (excused), Anna Scheyett (excused), Floyd McCullough (excused), Lou Adkins (excused), William Sims (unexcused), Ken Gerrard (unexcused), Raymond Reddrick (unexcused)

Division Staff Present (DMH/DD/SAS):

Dr. Richard Visingardi, Director
Tara Larson, Deputy Director
Marilyn Brothers, Hearing Officer
Jill Newkirk
Cindy Kornegay
Susan Collins
Jeff Horton, Facility Services

OTHERS PRESENT:

Jack Blackley (DMH/DD/SAS), John Womble (DMH/DD/SAS), Carol Clayton, (NC Council), Stan Slawinski (DMH/DD/SAS), Don Willis (DMH/DD/SAS), Charles Franklin (Albemarle MH/DD/SAS), Linda Gunn-Jones (DMH/DD/SAS), Joe Donovan (NAMI), Louise Fischer (Advocate Mental Illness MHA of NC), Bill Duffy (Success Inc.), Flo Stein (DMH/DD/SAS), Janice Petersen (DMH/DD/SAS), Diane Pomper (AG's Office), Philip Veenhuis (DMH/DD/SAS), Cynthia Temoshenko (GACPD), Debra Dihoff (Pitt Area MH/DD/SAS), Mike Mayer (NC Providers Council), David Swann (Crossroads BHC), Lisa Corbett (AG's Office), Fred Waddle (NCSPC), Janice Rossi (NC Assn., of Rehab. Fac.), Yvonne French (CPDMI), Larry Nason (CFN), Sally Cameron (CPDMI), Gene Rodgers (Health Force), Wilda Brown (MRA), and John Crawford.

Handouts:

Supervised Living Rules, Staff Qualification Rules, Promulgation of Competency Standards Memo, Advance Care Directives and Rights to a Natural Death Policies and Procedures, Study Date Rape Drug Analogues and Developmental Disabilities Services Section Report.

Call to Order

Pender McElroy, Chairman, called the meeting to order at 9:13 am. The meeting began with Chairman McElroy reading the Ethics Awareness and Conflict of Interest Statement. All Commission members, staff and other attendees introduced themselves.

Chairman McElroy acknowledged excused absentee members as follows: Lou Adkins, Ann Suggs, Floyd McCullouch and Anna Scheyett.

Approval to Minutes:

Upon motion of Judy Lewis, seconded by Donald Stedman, Commission members approved minutes of the Commission meeting held on May 13, 2002. This motion passed unanimously.

Chairman McElroy informed Commission members that Dr. Bruce Whitaker resigned from the Commission in June, 2002. Chairman McElroy read a tribute to Bruce Whitaker, which was prepared by Dr. Jack Blackley:

Bruce Whitaker first served in the mental health field when he was a student at Wake Forest College during World War II. The federal government built a rehabilitation hospital at Butner for returning wounded and ill soldiers. Bruce was a plumber's helper and did a lot of sweaty, hard work building the water system in the hospital, which became the State Hospital at Butner and later renamed John Umstead Hospital. The Whitaker School at the hospital was named in honor of Dr. Whitaker, many years later.

In the 1960's, Dr. Whitaker was appointed to the N.C. Board of Mental Health by Governor Dan Moore. In the 1970's, a Commissioner of Mental Health was appointed to oversee and direct the treatment and rehabilitation services for both institutions and community programs. (Note: In earlier years, the Hospitals Board of Control was the policy making board when there were no community programs). A Commission of Mental Health, Mental Retardation and Alcoholism was developed with members appointed by the governor and legislature. It took the place of the Alcohol Advisory Council, N.C. Drug Commission, Board of Mental Health and Mental Retardation Council and Dr. Whitaker was appointed to be the first chairman. He had served as chair of the committee on the previous Board of Mental Health.

Dr. Whitaker served over twenty- five years on the above named board and commission while at the same time serving as President of Chowan College.

Dr. Whitaker has faithfully and effectively served the citizens of North Carolina for many years as a member of the Commission for Mental Health, Developmental Disabilities and Substance Abuse Services.

His service to our state and to disabled persons and families for many years is a clear indication that Dr. Whitaker has understood and appreciated the problems for those suffering from mental illness, substance abuse and developmental disabilities.

For many years of unselfish, devoted service to the disabled, their families and staff persons of the Division, this Commission and the citizens of our state are greatly indebted to Dr. Whitaker and thank him for his loyal service.

We extend our best wishes to him and his family.

Upon a motion by Frederica Stell and seconded by Joe Coulter, the Commission unanimously adopted the resolution reading.

Chairman McElroy informed members of his meeting with Dr. Visingardi, which included a discussion on how the Commission could do its job better with the assistance of Division staff. Chairman McElroy stated that Dr. Visingardi is very open to working with Commission members and having representatives of the Commission to meet periodic with staff of the Division.

The Division is in the midst of a reorganization process, and one change will be the location of the Commission for MHDDSAS under the Administrative Support Section, headed by Don Willis.

Chairman McElroy expanded the leadership of the Commission's Advisory Committee with expectation of the amount of Advisory Committee input in the State Plan. The new leadership will be Donald Stedman as Chair, and Dr. Paul Gulley and Ellen Holliman as Vice-Chairs to the Advisory Committee. Chairman McElroy recognized Dr. Paul Gulley for his outstanding commitment and dedication during his tenure as Chair of the Advisory Committee for the last two years.

Director's Report

Dr. Richard Visingardi, Director of DMH/DD/SAS, reported to the Commission on the State Plan and the Division reorganization. The first step in the Division's reorganization was to appoint staff members to their new roles:

- Mr. Phillip Hoffman, Chief of Resources and Regulatory Coordination and Management
- Ms. Flo Stein, Chief of Community Policy Implementation and Management
- Dr. Don Willis, Chief of Administration Support
- Dr. Stan Slawinski, Chief of State Operated Services

Five Chiefs will constitute the Executive Leadership Team, along with Tara and Rich. The fifth position, Chief of Advocacy and Customer Services, will be filled within the next few months. Implementation of the reorganization will be transitional, with full implementation by January 1, 2003. The new structure dissolves the disability sections into a functional cross-disabilities configuration clustered around five major spheres of operation.

One of the primary goals of the reorganization is to place system reform at the central core of Division activities, from which all else proceeds. As such, the current implementation committees and workgroups may change as system reform is fully internalized into the new organization. Additionally, the content and timeframes in the State Strategic Business Plan may need to be further revised to reflect changes brought about by the reorganization, or necessitated by budget cuts. In that case, a supplemental mid-year revision of the State Strategic Business Plan will be issued.

Just as Area Programs are challenged to transform themselves into public agencies that manage rather than provide direct services, reorganization of the Division will require its staff to assume broader leadership skills and adopt different methods of evaluating system effectiveness. As the focus of local systems moves toward fixed financing for LME's and direct services provided by a network of qualified providers, administrative

processes and data gathering requirements will need to be streamlined to place the emphasis on measuring outcomes rather than prescribing and monitoring each step in a process.

Twenty-one (21) Phase I Area Programs are meeting together on a regular basis to plan and coordinate their demonstration elements. The Division Director, Deputy Director and Division staff are providing technical assistance to the Area Programs and are attending public forums and board meetings with the Area Programs. The Division is also assembling a group of staff to act as ongoing liaisons and technical assistants to counties and Area Programs in Phase I.

There was much discussion about the reorganization and the State Plan.

Durham Group Home Report

Jeff Horton, with the Division of Facility Services, reported to the Commission on the newspaper article in the Durham Herald regarding the Glen Road ROT Group Home located in Durham. This is a residential treatment group home, licensed under section 10 NCAC 14V.1300 of the licensure rules (Residential Treatment for Children and Adolescent with Mental Illness or Emotional Disturbances). The home was licensed in July, 1999 and the first complaint occurred in July, 2000. At that time a number of deficits placed the facility on provisional license. In June 2002, the Division of Facility Services received a complaint that some of the clients/staff had solicited services of prostitution to certain clients. On June 28, 2002, this investigation was initiated, but the Division of Facility Services had to back off because the police wanted to interview appropriate parties involved. The Division of Facility Services concluded their interview on July 17, 2002. The Division of Facility Services was able to substantiate that staff of the facility had solicited prostitution for clients of the home. Clients of the home had issues dealing with sexual issues. The Division of Facility Services found staff of the facility home not trained on how to work with clients with these needs.

The Facility was fined over two thousand dollars and issued a notice of intent to revoke the facility's license. The facility had ten days to respond; the notice was sent out on August 6, 2002. Clients have been removed from the home. This is a profit organization owned by American Human Services.

Policy on Advance Care Directives

Dr. Veenhuis gave a presentation on the Policy on Advance Care Directives and Right to a Natural Death (see handout). Tara Larson mentioned that the Rules Committee did review this policy and did support adoption of it. Dorothy Crawford recommended the policy be adopted. Judy Lewis seconded the motion and it passed unanimously.

Advisory Committee Report (Dr. Paul Gulley)

No report.

Rules Committee Report (Pender McElroy)

In the absence of Rules Committee Chair Floyd McCullough, Tara Larson and Chairman McElroy reported to the Commission (see July 10, 2002 minutes).

Chairman McElroy recognized Erin Drinnin, an intern with the Commission through the office of Anna Scheyett. Ms. Drinnin is in the Social Worker Master Program at UNC in Chapel Hill. Over the next couple of months, Ms. Drinnin will be working on a full orientation packet for all Commission members. Ms Drinnin asked Commission members to forward to her any suggestions for the orientation packet.

Staff Qualification Rules

Janice Rossi presented the Staff Qualifications Rules. Correction was made to the following language: 10 NCAC 14G.0102 (d) (5) “certified ~~substance abuse~~ supervisor” (CSAS) to “certified clinical supervisor” (CCS), and 10 NCAC 14V.0203 (c) Qualified professionals as specified in 10 NCAC 14V .0104 (49) to Qualified professionals as specified in 10 NCAC 14V .0104 (18)

Date Rape Drug Analogues:

John Womble, Drug Regulatory Branch Head, explained Senate Bill 938. Martha Macon made a motion that substances from the Drug Analogues list be added to the North Carolina list. Fredrica Stell seconded the motion, which passed unanimously (handout).

Supervised Living Rules

Jeff Horton presented proposed changes to the Supervised Living rules, explaining the exemptions and the remaining text. (see handouts).

Public Hearing on Staff Qualification Rules

Sally Cameron addressed the Commission on behalf of the Coalition for Persons Disabled by Mental Illness, as the Coalition’s past Chair. Ms. Cameron, past chair, was presenting on behalf of Beth Melcher, Chair, who was unable to attend due to the Coalition meeting at the same time as the Commission meeting. The Coalition for Persons Disabled by Mental Illness (CPDMI) wanted to address two concerns: (1) the promulgation of the Competency Standards; and (2) staff qualifications. CPDMI proposed for adoption to the following rules: 10 NCAC 14V .0203 Competencies of Qualified Professional and Associate Professionals, and 10 NCAC 14V .0204 Competencies and Supervision of Paraprofessionals (handout). This references a competencies-based employment system that is included in the State Plan.

Effective September 1, 2002, Robin Huffman will be Chair of the Coalition for Persons Disabled by Mental Illness.

Ms. Larson expressed the timeline, and one of the issues that the competency group was looking at was the temporary rules status, which means that the old service definition will stand if we don’t put something else in place. The temporary rules that are currently in place expire in September, 2002.

Final Commission Action

The following insert was proposed to be added to 10 NCAC 14V .0203 and .0204 line 11: *“Competence shall be demonstrated by compliance with standards approved by the Commission and as specified by the competency-based employment system in the State Plan for Mental Health, Developmental Disabilities and Substance Abuse Services and all of its subsequent amendments and editions.*

A motion to accept the proposed changes was made by Martha Macon, seconded by Judy Lewis, and was passed unanimously. In order to approve all sets of the rules as revised, a proposal was made to accept the full set of rules. Judy Lewis made this motion, and following Martha Macon’s second, the motion passed unanimously.

Public Comments

Louise Fisher, an advocate for the mentally ill, addressed the Commission on the 14th Annual Walk for Hope, scheduled to occur on Sunday, October 13th, 2002. The goal of Walk for Hope is to raise money for the tens of millions of Americans suffering from mental illness. Ms. Fisher distributed brochures and encouraged all to participate by contributing to the 2002 Annual Walk for Hope.

Adjournment

Since there was no further business to come before the meeting, by unanimous consent the meeting was adjourned at 3:30 pm.

Minutes prepared by Jill Newkirk, Division Staff.